

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL BROWN, SR., AND LESLEY	)	
McSPADDEN,	)	
	)	
Plaintiffs,	)	
	)	Cause No: 4:15-cv-00831-ERW
vs.	)	
	)	
CITY OF FERGUSON, MISSOURI,	)	<b>JURY TRIAL DEMANDED</b>
FORMER POLICE CHIEF THOMAS	)	
JACKSON, AND FORMER POLICE	)	
OFFICER DARREN WILSON,	)	
	)	
Defendants.	)	

***DEFENDANTS' MOTION TO COMPEL AGAINST PLAINTIFFS***

COME NOW Defendants, the City of Ferguson, Missouri, Former Police Chief Thomas Jackson, and Former Police Officer Darren Wilson ("Defendants"), and for their Motion to Compel discovery responses, state:

1. Plaintiffs have filed the present action alleging causes of action regarding the death of Michael O.D. Brown ("Decedent").
2. On November 6, 2015, Defendants served Plaintiffs with their First Set of Interrogatories to Plaintiffs Lesley McSpadden (Ex. 1) and Michael Brown, Sr. (Ex. 3), and their First Request for Production to Plaintiffs Lesley McSpadden (Ex. 5) and Michael Brown, Sr. (Ex. 7).<sup>1</sup>

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<sup>1</sup> See also Plaintiff Lesley McSpadden's Response to First Set of Interrogatories (Ex. 2), Plaintiff Michael Brown, Sr.'s Responses to Defendants' First Set of Interrogatories (Ex. 4), Plaintiff Lesley McSpadden's Responses to Defendants' First Request for Production (Ex.6), and Plaintiff Michael Brown, Sr.'s Responses to Defendants' First Set of Request for Production of Documents (Ex. 8).

3. On June 27, 2016, Defendants served Plaintiffs with their Second Request for Production to Plaintiff Lesley McSpadden (Ex. 9) and to Plaintiff Michael Brown, Sr. (Ex. 11).<sup>2</sup>
4. On July 11, 2016, Defendants served Plaintiffs with their Third Request for Production to Plaintiff Lesley McSpadden (Ex. 13) and to Plaintiff Michael Brown, Sr. (Ex. 15).<sup>3</sup>
5. Attorneys for Plaintiffs and Defendants have engaged in thorough efforts to meet and confer regarding discovery disputes, and have resolved the majority of the disputes.
6. The parties have agreed there remain disputes over which no further compromise can be made,<sup>4</sup> and have conferred both in person and over the telephone on several occasions in good faith. Despite sincere efforts to resolve these disputes, the attorneys have been unable to reach an accord regarding the following discovery issues:
  - A. Request for Production 5 to both Plaintiffs;
  - B. Request for Production 14 to both Plaintiffs;
  - C. Request for Production 23 to both Plaintiffs;
  - D. Request for Production 43 to both Plaintiffs;
  - E. Request for Production 44 to both Plaintiffs;
  - F. Interrogatory 36 to both Plaintiffs;
  - G. Interrogatory 39 to both Plaintiffs;
  - H. Interrogatory 47 to both Plaintiffs;

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<sup>2</sup> See also Plaintiff Lesley McSpadden's Responses to Defendants' Second Request for Production (Ex. 10), and Plaintiff Michael Brown, Sr.'s Responses to Defendants' Second Set of Requests for Production of Documents (Ex. 12).

<sup>3</sup> See also Plaintiff Lesley McSpadden's Responses to Defendants' Third Request for Production (Ex. 14), and Plaintiff Michael Brown, Sr.'s Revised Responses to Third Request for Production by Defendants (Ex. 16).

<sup>4</sup> This includes an in person meeting on February 17, 2016, between Bob Plunkert and Anthony Gray (Jasmine Rand participating by phone), teleconferences between Bob Plunkert, Anthony Gray, and Jasmine Rand on May 18 and 20, and June 2, 2016, and several correspondence up until filing in a good faith attempts to meet and confer over the disputes, pursuant to Local Rule 37 – 3.04. After these sincere efforts to resolve the disputes, the parties have been unable to do so.

- I. Interrogatory 48 to both Plaintiffs;
  - J. Interrogatory 49 to both Plaintiffs;
  - K. Interrogatory 50 to Plaintiff Lesley McSpadden;
  - L. Second Request for Production 45 to both Plaintiffs;
  - M. Second Request for Production 46 to Plaintiff Lesley McSpadden;
  - N. Third Request for Production 46 to Plaintiff Michael Brown and Third Request for Production 47 to Plaintiff Lesley McSpadden;
  - O. Third Request for Production 47 to Plaintiff Michael Brown and Third Request for Production 48 to Plaintiff Lesley McSpadden;
  - P. Third Request for Production 48 to Plaintiff Michael Brown and Third Request for Production 49 to Plaintiff Lesley McSpadden; and
  - Q. Third Request for Production 50 to Plaintiff Lesley McSpadden.
7. The information requested by Defendants is relevant, nonprivileged, and is discoverable based on the needs of the case, the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and as the benefit of the proposed discovery outweighs its potential burden or expense. Fed. R. Civ. P. 26(b)(1).

WHEREFORE, Defendants respectfully request that this Court enter an Order granting its Motion to Compel, and for such further relief as this Court deems just and proper.

/s/ Peter J. Dunne

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Peter J. Dunne #31482  
Robert T. Plunkert #62064  
PITZER SNODGRASS, P.C.  
Attorneys for Defendants City of Ferguson,  
Missouri, Former Police Chief Thomas Jackson,  
and Former Police Officer Darren Wilson  
100 South Fourth Street, Suite 400  
St. Louis, Missouri 63102-1821  
(314) 421-5545  
(314) 421-3144 (Fax)  
Email: dunne@pspclaw.com  
Email: plunkert@pspclaw.com

I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court this 9<sup>th</sup> day of December 2016, to be served by operation of the Court's electronic filing system upon the following:

Anthony D. Gray  
319 North 4<sup>th</sup> Street, Suite 212  
St. Louis, Missouri 63102  
agray@johnsongraylaw.com  
*Attorney for Plaintiffs*

Daryl D. Parks (pro hac vice)  
Benjamin L. Crump (pro hac vice)  
Jasmine O. Rand (pro hac vice)  
240 North Magnolia Drive  
Tallahassee, Florida 32301  
dparks@parkscrump.com  
bcrump@parkscrump.com  
jasminerand@parkscrump.com  
*Co-Counsel for Plaintiffs*

Ronald S. Sullivan, Jr. (pro hac vice)  
6 Evertett Street, Suite 5116  
Cambridge, Massachusetts 02138  
prof.ron.sullivan@gmail.com  
*Co-Counsel for Plaintiffs*

Greg Kloeppel  
9620 Lackland Road  
St. Louis, Missouri 63114  
gregkloeppel@kloepellaw.com  
*Co-Counsel for Defendant Darren Wilson*

Mr. Ronald A. Norwood  
Lewis Rice LLC  
600 Washington Avenue, Suite 2500  
St. Louis, Missouri 63101  
rnorwood@lewisrice.com  
*Attorney for Defendant City of Ferguson*

David M. Glass  
Department of Justice, Civil Division  
20 Mass. Ave., N.W., Room 7200  
Washington, D.C. 20530-0001  
david.glass@usdoj.gov  
*Attorney for the United States*

/s/ Peter J. Dunne

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